



US Army Corps  
of Engineers ®

# Construction Bulletin

No. 99-2-

Issuing Office: CEMP-EC

Issue Date: 5/27/99

Exp. Date: 31 DEC 2001

## CEMP-E/CECW-E

**Subject:** Emergency Responder Agreements for Fund-Lead Remedial Actions - EPA Superfund Program

**Applicability:** GUIDANCE

**1. REFERENCE:** Quick Reference Fact Sheet Publication 9285.6-04FS, "Emergency Responders Agreements for Fund-Lead Remedial Actions," published March 1994 by the U.S. Environmental Protection Agency (EPA) Office of Solid Waste and Emergency Response.

**2. PURPOSE.** This Construction Bulletin (CB) is a reissue of CB No. 94-15, dated 18 July 1994, subject as above. It provides a summary of the Fact Sheet and describes USACE construction personnel responsibilities in implementing EPA's recommended procedures.

**3. BACKGROUND.** The Superfund Program's contractors frequently rely on responders from the local community to provide emergency support during Remedial Action (RA). The referenced Fact Sheet outlines recommended procedures to be followed during the pre-design and design phases as well as by the RA contractor in order to establish site-specific agreements with local emergency responders.

## **4. PROCEDURES.**

a. During the pre-design phase, the EPA Remedial Project Manager (RPM) or his/her authorized representative contacts the Local Emergency Planning Committee (LEPC) to coordinate the remedial action plan with the local contingency plan. If the local community does not have an LEPC in place, the RPM will contact the local emergency responders directly (police, fire department, medical emergency services, etc.) During the pre-design phase, information is gathered on the local community's level of preparedness to deal with a hazardous waste emergency.

b. In the design phase, the RPM will determine emergency response requirements and will identify and evaluate possible providers (such as a private emergency response consultant or local emergency responders). Once the assessment of all potential providers is completed, the

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EPA RPM selects the provider most suitable to the site conditions. When selecting local emergency responders, the RPM contacts the police, fire department, medical emergency services, emergency medical care facilities, utilities departments, etc., for preliminary agreements. Identification of equipment and/or training needs is done as part of these preliminary agreements.

c. Final agreements are completed by the RA contractor once the RA contract has been awarded and the prime contractor has developed the Emergency Response Plan, which is a component of the Site Safety and Health Plan (SSHP). Involvement of the emergency responders during the development of the Emergency Response Plan is necessary to assure better coordination and proper implementation of the plan. A thorough discussion of this plan and the potential hazards at the site should take place before any agreement is signed. In all cases, the RA contractor's site-specific Emergency Response Plan must be consistent with the community contingency plan regardless of whether local responders are used during the remedial action. If specialized equipment is to be provided for the responder's use during the RA duration, the agreement should include provisions for timely availability of such equipment for training and familiarization purposes. Coordination and scheduling of these activities is the contractor's responsibility. The RA contractor must conduct a site visit, hold a kick-off meeting with the responders, and provide information such as:

- Layout of the site
- Nature and scope of work
- Schedule for construction activities
- Properties/hazards of materials and places where on-site personnel will normally be working
- Location of utility lines, entrances and roads inside the site
- Emergency communications/command control
- Decontamination procedures
- Response time
- Possible evacuation routes
- A copy of the written SSHP
- Response constraints
- Emergency Response Plan components

The prime contractor must notify in writing, through the USACE project office, the local emergency responders and EPA of any change to the Emergency Response Plan. Responders' participation in the contractor's emergency drills is encouraged. Enclosed is a sample emergency response agreement between the prime contractor, a local emergency responder, USACE (as EPA's contracting party), and EPA. An individual emergency response agreement must be developed by the prime contractor with each local emergency responder.

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**5. IMPLEMENTATION.** Construction personnel responsible for performing Biddability Constructibility Operability and Environmental (BCOE) reviews and management of USACE/EPA Superfund contracts must:

a. Assure that the above-recommended procedures which pertain to the RA contractor are incorporated into the bid documents and that the USACE Project Manager is aware of any concerns or comments related to this issue for proper coordination with the EPA RPM.

b. Assure contractor's strict compliance with the specified emergency response requirements during the execution of the RA phase.

6. This CB has been coordinated with the following HQUSACE organizations: Environmental Division (CEMP-RS); Office of the Chief Counsel (CECC-C); and, Safety and Occupational Health Office (CESO-I).



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Encl

Attachment to Emergency Response Plan

**Agreement for Emergency Response Services**

This agreement certifies:

That the Department [local HAZMAT team, fire fighting, police, emergency medical responder, health care providers, etc. organization responding at the site] received and reviewed the Emergency Response Plan for the[ \_\_\_\_\_] Superfund site, located at [\_\_\_\_\_].

That on [date], the representatives from the [Department] participated in an on-site visit (or conducted a meeting, depending on the organization). During the visit, [Prime Contractor] explained the details of the site's Emergency Response Plan, including but not limited to, roads and evacuation routes, properties of hazardous materials handled at the site, locations where site personnel would normally be working [add any other special provision], and expectations for emergency response support.

The [Prime Contractor] will notify in writing the [Department and EPA] (thru the USACE Project Office) of any amendment or significant change in the Emergency Response Plan.

{If applicable:

That the U.S. Environmental Protection Agency (EPA) Region [#] provided (or will provide) the following:

- Description of any site specific training.
- Description of equipment and serial numbers, with their specific location.

The above mentioned equipment will be fully available to the [Department] for training and familiarization, but will remain EPA's property in accordance with SARA Title I Section 123 (b)(2).

- Location of information repository
- Reference material to be kept on-site. }

That through the above mentioned provisions the [Department] agrees to provide [service] in the event of an emergency or threat of an emergency at the \_\_\_\_\_ site. This agreement will remain in effect for the duration of [Prime Contractor] contract or until 90 days after written notice is given by either party justifying cancellation.

\_\_\_\_\_  
Department

\_\_\_\_\_  
Prime contractor

\_\_\_\_\_  
EPA (concurrence)

\_\_\_\_\_  
EPA's Contracting Party (concurrence)

ENCLOSURE